

Senate Judiciary Committee Amendment No. 1 (by Haynes)

Amendment No. 1 to SB0899

**Person
Signature of Sponsor**

FILED

Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 899*

House Bill No. 1334

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-413, is amended by deleting subsection (b) and by substituting instead the following:

(b)(1) The court may direct that all or part of the cost of court-ordered mediation, education and any related services to resolve family conflict in divorce and post-divorce matters shall be paid from all available federal, state, and local funds. Eligibility for receipt of such funds will be based on a sliding scale based on a person's ability to pay.

(2) There is hereby imposed an additional fee of sixty-two dollars and fifty cents (\$62.50) on the issuance of a marriage license; provided, however, that when both applicants provide the county clerk an affidavit establishing that they are not Tennessee residents or when both applicants provide the county clerk with a valid and timely certificate of completion of a premarital preparation course as provided in subdivision (b)(3), the applicants shall be exempt from payment of sixty dollars (\$60.00) of this fee. For each application for marriage, including an application from persons exempt from the sixty dollar (\$60.00) fee, a fee of two dollars and fifty cents (\$2.50) shall be paid to the county clerk for the services provided under this section. The county clerk shall pay the sixty dollar (\$60.00) fee to the state treasurer, which fee shall be allocated as follows:

(A) Thirty dollars (\$30.00) to the administrative offices of the courts for the divorcing parent education and mediation fund;

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(B) Fifteen dollars (\$15.00) to the department of children's services for child abuse prevention services; and

(C) Fifteen dollars (\$15.00) to the office of criminal justice programs for domestic violence services, which shall be in addition to the privilege tax on marriage licenses under § 67-4-505.

(3) Funds in the divorcing parent education and mediation fund shall be used to fund the parenting plan requirements of this part, including statewide parenting plan coordination, the creation of a grant process for parenting plan coordinators to serve local courts with divorce jurisdiction, costs of court-ordered mediation, parenting education programs and any related services to resolve family conflict in divorce and post-divorce matters.

(4) The clerks of court with divorce jurisdiction, or two (2) or more clerks within a county or judicial district acting jointly, may apply to the administrative office of the courts for funding for local parenting plan coordinators to serve such court or courts and perform services under this part. The local parenting plan coordinator may be an employee or contractor and may serve full time or part time, as approved by the administrative office of the courts. The administrative office of the courts, in awarding such grants, shall consider divorce caseloads within the jurisdiction to be served by the local parenting plan coordinator, availability of funds, and the desirability of providing each judicial district with access to an appropriate level of funding for parenting plan coordination.

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(5) Beginning no later than August 1, 2001, upon proper application, the administrative office of the courts shall make available to the clerk of the court (or two or more clerks acting jointly), funds, to the extent available under this section, for obtaining and paying a local parenting plan coordinator. The duties of such local parenting plan coordinator shall include assisting parents with obtaining information necessary to complete a parenting plan, assisting parents in locating parenting education providers and mediators, assisting the court with tracking the attendance of parents at education seminars and mediations, assisting the court with the determination of the filing of necessary papers to complete the divorce or post-divorce process, and any other duties necessary for the implementation of the parenting plan requirements of this part. In addition, the administrative office of the courts shall make available to the clerk of the court funds, to the extent available under this section, for costs of court-ordered mediation, parenting education programs, and any related services to resolve family conflict in divorce and post-divorce matters.

(6) A man and a woman who, together or separately, complete a premarital preparation course in compliance with this section shall be exempt from the sixty dollar (\$60.00) fee otherwise imposed by this section. Such course shall be not less than four (4) hours each, and shall be completed no more than one (1) year prior to the date of application for a marriage license. Each individual shall verify completion of the course by filing with the application a valid certificate of completion from the course provider, on a form developed by the

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administrative office of the courts, which certificate shall comply with the requirements of this subdivision.

(A) The premarital preparation course may include instruction regarding:

(i) Conflict management.

(ii) Communication skills.

(iii) Financial responsibilities.

(iv) Children and parenting responsibilities.

(v) Data compiled from available information relating to problems reported by married couples that seek marital or individual counseling.

(B) All individuals who participate in a premarital preparation course shall choose from the following list of qualified instructors:

(i) A psychologist as defined under § 63-11-203;

(ii) A clinical social worker as defined in Tennessee Code Annotated, Title 63, Chapter 23, Part 1;

(iii) A licensed marital and family therapist as defined in § 63-22-115;

(iv) An official representative of a religious institution, which is recognized under § 63-22-204; or

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(v) Any other approved instructor. Each judicial district may establish a roster of area course providers, including those who offer the course on a sliding scale fee scale or for free.

(C) The administrative office of the courts shall develop a certificate of completion form for to be completed by providers, which shall include:

(i) An attestation of the provider's compliance with the premarital preparation course requirements as set forth in this section;

(ii) The course instructor's name, address, qualifications, and license number, if any, or, if an official representative of a religious institution, a statement as to relevant training;

(iii) The name of the participant or participants; and

(iv) The hours completed, the date of completion and whether the course was conducted by personal instruction, videotape instruction, or instruction via other electronic medium, or by a combination of these methods.

Each premarital preparation course provider shall furnish each participant who completes the course with a certificate of completion as required by this subdivision.

(7) Any moneys collected under this section during the pilot program and not expended shall remain in the divorcing parent and mediation fund established

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by the state treasurer within the general fund for use by the administrative office of the courts, consistent with item (b)(2)(A). No moneys collected under this section shall revert to the general fund of the state, but shall remain available exclusively as specified in this section.

(8) In addition to other fees authorized by this section, court clerks shall be entitled to normal copying fees, not to exceed fifty cents (\$.50) per page, for providing copies of documents necessary for parenting plans.

SECTION 2. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.